

§ 2.6

made after the International Bureau registers the mark on the International Register.

(j) The term *holder* as used in this part means, in addition to the definition of a “holder of an international registration” in section 60 of the Act, the natural or juristic person in whose name an international registration seeking an extension of protection to the United States is recorded on the International Register.

(k) The term *use in commerce* or *use of the mark in commerce* as used in this part means, in addition to the definition of “use in commerce” in section 45 of the Act:

(1) For a trademark or service mark, use of the mark in commerce by an applicant, owner, or holder on or in connection with the goods or services specified in a U.S. application, amendment to allege use, statement of use, or affidavit or declaration of use or excusable nonuse;

(2) For a collective trademark or collective service mark, use of the mark in commerce by members on or in connection with the goods or services specified in a U.S. application, amendment to allege use, statement of use, or affidavit or declaration of use or excusable nonuse;

(3) For a collective membership mark, use of the mark in commerce by members to indicate membership in the collective organization as specified in a U.S. application, amendment to allege use, statement of use, or affidavit or declaration of use or excusable nonuse; and

(4) For a certification mark, use of the mark in commerce by authorized users on or in connection with the goods or services specified in a U.S. application, amendment to allege use, statement of use, or affidavit or declaration of use or excusable nonuse.

(l) The term *bona fide intention to use the mark in commerce* as used in this part means, for a trademark or service mark, that an applicant or holder has a bona fide intention to use the mark in commerce on or in connection with the goods or services specified in a U.S. application or international application/subsequent designation.

(m) The term *bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce* as used in this part means:

(1) For a collective trademark or collective service mark, that an applicant or holder has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the goods or services specified in a U.S. application or international application/subsequent designation;

(2) For a collective membership mark, that an applicant or holder has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce by members to indicate membership

37 CFR Ch. I (7–1–15 Edition)

in the collective organization as specified in a U.S. application or international application/subsequent designation; and

(3) For a certification mark, that an applicant or holder has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the goods or services specified in a U.S. application or international application/subsequent designation.

(n) The term *verified statement*, and the terms *verify*, *verified*, or *verification* as used in this part refers to a statement that is sworn to, made under oath or in an affidavit, or supported by a declaration under § 2.20 or 28 U.S.C. 1746, and signed in accordance with the requirements of § 2.193.

§ 2.6 Trademark fees.

The Patent and Trademark Office requires the following fees and charges:

(a) Trademark process fees.

- (1) Application filing fees.
 - (i) For filing an application on paper, per class.....\$375.00
 - (ii) For filing an application through TEAS, per class\$325.00
 - (iii) For filing a TEAS Reduced Fee (RF) application through TEAS under § 2.23, per class\$275
 - (iv) For filing a TEAS Plus application through TEAS under § 2.22, per class.....\$225.00
 - (v) Additional processing fee under §§ 2.22(c) or 2.23(c), per class.....\$50.00
- (2) For filing an amendment to allege use under section 1(c) of the Act, per class.....\$100.00
- (3) For filing a statement of use under section 1(d)(1) of the Act, per class\$100.00
- (4) For filing a request under section 1(d)(2) of the Act for a six-month extension of time for filing a statement of use under section 1(d)(1) of the Act, per class\$150.00
- (5) Application for renewal of a registration fees.
 - (i) For filing an application for renewal of a registration on paper, per class.....\$400.00
 - (ii) For filing an application for renewal of a registration through TEAS, per class\$300.00
- (6) Additional fee for filing a renewal application during the grace period, per class\$100.00
- (7) For filing to publish a mark under section 12(c), per class\$100.00
- (8) For issuing a new certificate of registration upon request of registrant.....\$100.00
- (9) For a certificate of correction of registrant's error.....\$100.00

U.S. Patent and Trademark Office, Commerce

§ 2.11

- (10) For filing a disclaimer to a registration\$100.00
- (11) For filing an amendment to a registration\$100.00
- (12) For filing an affidavit under section 8 of the Act, per class.....\$100.00
- (13) For filing an affidavit under section 15 of the Act, per class\$200.00
- (14) Additional fee for filing a section 8 affidavit during the grace period, per class.....\$100.00
- (15) For petitions to the Director\$100.00
- (16) For filing a petition to cancel, per class.....\$300.00
- (17) For filing a notice of opposition, per class.....\$300.00
- (18) For *ex parte* appeal to the Trademark Trial and Appeal Board, per class.....\$100.00
- (19) Dividing an application, per new application created.....\$100.00
- (20) For correcting a deficiency in a section 8 affidavit.....\$100.00
- (21) For correcting a deficiency in a renewal application\$100.00

(b) Trademark service fees.

- (1) For printed copy of registered mark, copy only. Service includes preparation of copies by the Office within two to three business days and delivery by United States Postal Service; and preparation of copies by the Office within one business day of receipt and delivery to an Office Box or by electronic means (e.g., facsimile, electronic mail)\$3.00
- (2) Certified or uncertified copy of trademark application as filed processed within seven calendar days.....\$15.00
- (3) Certified or uncertified copy of a trademark-related official record\$50.00
- (4) Certified copy of a registered mark, showing title and/or status:
 - (i) Regular service.....\$15.00
 - (ii) Expedited local service.....\$30.00
- (5) Certified or uncertified copy of trademark records, per document except as otherwise provided in this section\$25.00
- (6) For recording each trademark assignment, agreement or other document relating to the property in a registration or application
 - (i) First property in a document.....\$40.00
 - (ii) For each additional property in the same document\$25.00
- (7) For assignment records, abstract of title and certification, per registration.....\$25.00
- (8) Marginal cost, paid in advance, for each hour of terminal session time, including print time, using

- X-Search capabilities, prorated for the actual time used. The Director may waive the payment by an individual for access to X-Search upon a showing of need or hardship, and if such waiver is in the public interest.....\$40.00
- (9) Self-service copy charge, per page\$0.25
- (10) Labor charges for services, per hour or fraction thereof\$40.00
- (11) For items and services that the Director finds may be supplied, for which fees are not specified by statute or by this part, such charges as may be determined by the Director with respect to each such item or service.....Actual Cost
- (12) For processing each payment refused (including a check returned “unpaid”) or charged back by a financial institution.....\$50.00
- (13) Deposit accounts:
 - (i) For establishing a deposit account\$10.00
 - (ii) Service charge for each month when the balance at the end of the month is below \$1,000\$25.00

[56 FR 65155, Dec. 13, 1991; 56 FR 66670, Dec. 24, 1991, as amended at 57 FR 38196, Aug. 21, 1992; 59 FR 257, Jan. 4, 1994; 60 FR 41023, Aug. 11, 1995; 62 FR 40453, July 29, 1997; 64 FR 48918, Sept. 8, 1999; 64 FR 67486, Dec. 2, 1999; 64 FR 67777, Dec. 3, 1999; 67 FR 79522, Dec. 30, 2002; 67 FR 70850, Nov. 27, 2002; 68 FR 48289, Aug. 13, 2003; 70 FR 2953, Jan. 19, 2005; 70 FR 38773, July 6, 2005; 73 FR 67767, Nov. 17, 2008; 79 FR 74638, Dec. 16, 2014]

§ 2.7 Fastener recordal fees.

- (a) Application fee for recordal of insignia\$20.00
- (b) Renewal of insignia recordal.....\$20.00
- (c) Surcharge for late renewal of insignia recordal\$20.00

[61 FR 55223, Oct. 25, 1996]

REPRESENTATION BY ATTORNEYS OR OTHER AUTHORIZED PERSONS

AUTHORITY: Secs. 2.11 to 2.19 also issued under 35 U.S.C. 31, 32.

§ 2.11 Applicants may be represented by an attorney.

Representation before the Office is governed by § 11.14 of this chapter. The Office cannot aid in the selection of an attorney.

[73 FR 47685, Aug. 14, 2008]